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STATE OF MICHIGAN  
BEFORE THE SUPREME COURT

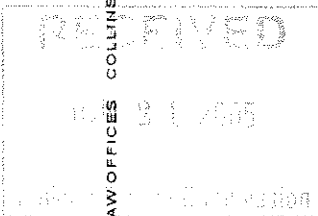
IN THE MATTER OF:

HON. DAVID MARTIN BRADFIELD  
Judge, 36<sup>th</sup> District Court  
Detroit, MI 48226

FORMAL COMPLAINT NO. 79

JUDGE DAVID MARTIN BRADFIELD'S RESPONSE TO PETITION FOR INTERIM  
SUSPENSION

4000 TOWN CENTER STE 909, SOUTHFIELD, MI 48075 (248) 355-4141  
EINHORN, FARRELL & ULANOFF, P.C.  
LAW OFFICES COLLINS



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NOW COMES the Honorable David Martin Bradfield, District Court Judge, 36<sup>th</sup> District Court, Detroit, Michigan and in answer to the Michigan Judicial Tenure Commission's Petition for Interim Suspension states under this court as follows:

1. In answer to paragraph 1 and upon information and belief, the Judicial Tenure Commission opened an "investigation" *ex-parte*; they did not receive a complaint from anyone. To the extent paragraph 1 alleges that "allegations" have been directed toward Judge Bradfield by individuals outside the Commission, the allegation is denied as being untrue..
2. In answer to paragraph 2 and upon information and belief, the Judicial Tenure Commission opened an "investigation" *ex-parte*; they did not receive a complaint from anyone. To the extent paragraph 2 alleges that "allegations" have been directed toward Judge Bradfield by individuals outside the Commission, the allegation is denied as being untrue.
3. Paragraph 3 in the form and manner alleged is denied. The incident involving Judge Bradfield and Mr. Adams occurred as set forth in Judge Bradfield's 5/27/05 response to the Commission's April 22, 2005 letter. (*Exhibit A*) To wit:
  - a. Judge Bradfield drove up in front of the 36<sup>th</sup> District courthouse and observed that Mr. Adams was parked and sitting in a car in one of the spaces reserved for court personnel.
  - b. Judge Bradfield pulled up next to Mr. Adams, rolled down his window and advised Mr. Adams that he was not supposed to be parked where he was parked and that the spaces were reserved for "personnel".
  - c. Mr. Adams remarked "take a pill".

- d. Judge Bradfield in response told Mr. Adams he could be ticketed and towed and introduced himself as Judge Bradfield.
- e. Mr. Adams in response stated "we know who you are mother f---". Judge Bradfield in response stated to Mr. Adams "I can get as street as you, move the mother f---ing car".
- f. Judge Bradfield waived to the Detroit Police Officer responsible for guarding the door.
- g. The Officer approached Mr. Adams' vehicle, apparently spoke with Mr. Adams, at which point Mr. Adams moved his vehicle approximately 3 feet forward.
- h. Thereafter, another space opened and Mr. Adams moved his vehicle further forward allowing Judge Bradfield to park his vehicle.
- i. As Judge Bradfield was parking his vehicle, he observed Mr. Adams get out of his car and move towards the security door of the courthouse.
- j. Judge Bradfield did not know Mr. Adams, and did not know the reason Mr. Adams may have been parked in front of the Judge's entrance to the courthouse and did not know the reason Mr. Adams was going toward the security door. Two weeks before the incident, 36<sup>th</sup> District Judge Patricia L. Jefferson circulated an email to her colleagues (*Exhibit B*) urging the need to obtain better security of the Judge's door. Other Judges including David Robinson highlighted the fact that the court should stop the practice of allowing people who accompany judges into the building being able to avoid security screening.

- k. On March 17, 2005, (*Exhibit C*) Chief Judge Marilyn Atkins distributed an email which in part told the judges "if you are going to have a visitor to the court coming through the judge's door, you must go down and bring them up yourself. Do not send a member of your staff. If you do not come down, the person or persons will be directed to the front door to go through the security check".

In further answer in response to paragraph 3, of the Commission's Petition Judge Bradfield states as follows:

- a. For reasons stated herein, paragraph 3(a) is denied for the reason that same is untrue.
- b. For the reasons stated herein, paragraph 3(b) is denied for the reason same is untrue.
- c. For reasons stated herein, paragraph 3(c) is denied as being untrue.
- d. For reasons stated herein, paragraph 3(d) is denied as being untrue.
- e. In answer to paragraph 3(e) Judge Bradfield may have inadvertently poked his finger at Mr. Adams and touched him.
- f. For reasons stated herein, paragraph 3(f) is denied. In further answer the Complaint, as filed by the Commission, does not make any such allegation.
- g. In the form and manner alleged, paragraph 3(g) is denied as being untrue.
- h. In the form and manner alleged, paragraph 3(h) is denied as being untrue.

- i. In the form and manner alleged, paragraph 3(i) is denied as being untrue.
  - j. In the form and manner alleged, paragraph 3(j) is denied as being untrue.
  - k. In the form and manner alleged, paragraph 3(k) is denied as being untrue.
  - l. In the form and manner alleged, paragraph 3(l) is denied as being untrue.
4. In answer to paragraph 4 and to the extent it alleges that Judge Bradfield engaged in a “temper tantrum including the use of foul language” during October of 2002, the allegation is denied for the reason that same is untrue. For the same reason, subparagraphs (a) through (c) are likewise denied for the reason that they too are untrue.
5. In answer to paragraph 5, Judge Bradfield has attempted to speak with both Mr. Adams and Judge Adams and both have refused to discuss the incident or the Commission’s allegations. The statements contained in their respective affidavits are their versions of the incident that should not be accepted as fact. In further answer, although Judge Bradfield acknowledges that Mr. Lee has attached an affidavit, upon information and belief, the 36<sup>th</sup> Court administrator will state that Mr. Lee did not know the name of the person who identified himself as a judge, and therefore to the extent the affidavit asserts that it was Judge Bradfield with whom he encountered, the statement is denied as being untrue.
6. In answering paragraph 6, Judge Bradfield admits the allegations as forth in paragraph 6.
7. In answer to paragraph 7, Judge Bradfield admits that Complaint #79 is the third “formal complaint” but in further answer, states as follows:


- a. Judge Bradfield admits the allegations as set forth in paragraph 7(a).
  - b. To the extent paragraph 7(b) attempts to establish, as fact, allegations that were subsequently dismissed by the Commission, Judge Bradfield objects. Allegations as set forth in Complaint #66, that Judge Bradfield improperly determined bond in drug cases, inappropriately conducted himself in landlord/tenant cases and/or lacked candor are allegations that the Commission never established and withdrew. It is inappropriate for this court to consider allegations that there dismissed as a basis to grant the Commission's wrongful attempt for an interim suspension.
8. Judge Bradfield denies the allegations contained therein for the reason that it is untrue.
  9. Paragraph 9 is a conclusion that will not be supported by law or fact. The allegation is denied for the reason that same is untrue.
  10. Paragraph 10 is a conclusion that will not be supported by the evidence and is therefore denied.
  11. Judge Bradfield admits the allegations contained therein but in further answer, Judge Bradfield's conduct will not impact negatively on the integrity of the judiciary.
  12. For reasons set forth in Judge Bradfield's Brief in Opposition to the Petition for Interim Suspension, the request for interim suspension is not appropriate and the request should be denied.

WHEREFORE Judge Bradfield respectfully requests this court enter an Order denying the Judicial Tenure Commissions request for an interim suspension.



COLLINS, EINHORN, FARRELL & ULANOFF, P.C.

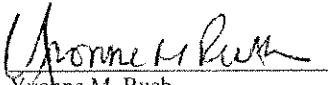
BY:

  
BRIAN EINHORN (P13130)  
Attorney for Judge Bradfield  
4000 Town Center, Suite 909  
Southfield, MI 48075  
(248) 355-4141

**Proof of Service**

The undersigned certifies that the foregoing instrument was served upon the Supreme Court and the JTC herein at their respective addresses on June 21, 2005, by:

☐ US Mail  
☒ *Hand Delivery*  
☐ Fax

  
Yvonne M. Rush

**STATE OF MICHIGAN  
BEFORE THE SUPREME COURT**

IN THE MATTER OF:

HON. DAVID MARTIN BRADFIELD  
Judge, 36<sup>th</sup> District Court  
Detroit, MI 48226

FORMAL COMPLAINT NO. 79

**RESPONDENT'S RESPONSE AND BRIEF IN OPPOSITION TO PETITION FOR  
INTERIM SUSPENSION**

**INTRODUCTION**

The Judicial Tenure Commission (JTC) initiated this disciplinary proceeding against Judge David Martin Bradfield on April 11, 2005, and brought a formal complaint on June 6, 2005. The JTC has petitioned this Court to enter an order of interim suspension. For the reasons that follow, an interim suspension is not warranted and would constitute a gross injustice to Judge Bradfield, regardless of the eventual outcome of this proceeding.

**FACTS**

The conduct at issue in this case involves an altercation between Judge Bradfield and Anthony Adams. See Judge Bradfield's 5/25/2005 Response to the Commission's April 22, 2005 letter (*Exhibit A*).

Judge Bradfield observed Mr. Adams parked and sitting in a car in a parking space reserved for court personnel outside the 36<sup>th</sup> District Court. Judge Bradfield stopped his car beside Mr. Adams, rolled down his window and advised Mr. Adams that he was not supposed to be parked there. Mr. Adams responded, "take a pill". At that point, Judge Bradfield told Mr. Adams he could be ticketed and towed and introduced himself as Judge Bradfield and Mr. Adams responded with an expletive. Judge Bradfield responded in kind.

Mr. Adams should not have been parked in the space and/or only needed to identify himself and the incident never would have occurred. Judge Bradfield asked for assistance from the Detroit police officer responsible for guarding the door. After Judge Bradfield parked his vehicle, he observed Mr. Adams get out of his car and move to the security door of the courthouse. Judge Bradfield did not know Mr. Adams, did not know the reason Mr. Adams was parked in front of the judges' entrance to the courthouse and did not know the reason Mr. Adams was going toward the security door. Judge Bradfield was also concerned by the derogatory statements directed to him by Mr. Adams.

Judge Bradfield knew that only judges or persons escorted by a judge were permitted to enter the court through the judges' door. (*See Exhibit C*) Prompted by security concerns, Judge Bradfield approached Mr. Adams and told him that he should not enter the courthouse through the door reserved for judges. Judge Bradfield and Mr. Adams exchanged words. Judge Bradfield has acknowledged his embarrassment to the JTC for letting a swearing contest between Mr. Adams and himself escalate.<sup>1</sup>

Although Judge Bradfield has and does acknowledge that his conduct was not appropriate and accepts responsibility for his part in the unfortunate confrontation between Mr. Adams and himself, he submits that a suspension from his duties during these proceedings is not warranted and would be unjust.

### **ARGUMENT**

**Because the conduct at issue may not warrant a suspension, an interim suspension during the pendency of these proceedings is not warranted and would be grossly unjust.**

The Michigan Supreme Court's recent decisions speak to the need for standards in disciplinary proceedings to ensure consistency in the punishments imposed for certain types of

---

<sup>1</sup> The complaint also alleges that Judge Bradfield was belligerent with a parking attendant in the Gem Theater parking structure. Judge Bradfield has denied these allegations.

misconduct. In its remand order in *In re Brown*, 461 Mich 1291 (2000), the Court emphasized the need for articulated standards for determining appropriate sanctions in judicial disciplinary cases:

The most fundamental premise of the rule of law is that equivalent misconduct should be treated equivalently. . . . In our judgment, it is the burden of the JTC to persuade this Court that it is responding to equivalent cases in an equivalent manner and to unequivocal cases in a proportionate manner. In other words, to demonstrate that there was a consistently enforced system of judicial discipline in Michigan.

In addition to noting the usefulness of comparing punishments meted out in similar cases, the Court offered the following guiding principles:

Everything else being equal:

- (1) misconduct that is part of a pattern or practice is more serious than an isolated instance of misconduct;*
- (2) misconduct on the bench is usually more serious than the same misconduct off the bench;
- (3) misconduct that is prejudicial to the actual administration of justice is more serious than misconduct that is prejudicial only to the appearance of propriety;
- (4) misconduct that does not implicate the actual administration of justice, or its appearance of impropriety, is less serious than misconduct that does;
- (5) misconduct that occurs spontaneously is less serious than misconduct that is premeditated or deliberated;*
- (6) misconduct that undermines the ability of the justice system to discover the truth of what occurred in a legal controversy, or to reach the most just result in such a case, is more serious than misconduct that merely delays such discovery;
- (7) misconduct that involves the unequal application of justice on the basis of such considerations as race, color, ethnic background, gender, or religion are more serious than breaches of justice that do not disparage the integrity of the system on the basis of a class of citizenship.

As applied in this case, only two of these criteria have any relevance. Although Judge Bradfield has been disciplined previously, this incident is not part of a pattern of conduct. This

was an isolated event. Further, Judge Bradfield's conduct is mitigated by the fact that it occurred spontaneously at the provocation by Mr. Adams, and did not occur while Judge Bradfield was presiding from the bench.

With the recent emphasis on striving for consistency in disciplining lawyers and judges, this Court must look to prior judicial disciplinary matters in considering what punishment might befall Judge Bradfield. In *In re Brown*, the Commission recommended a fifteen-day suspension for conduct involving the use of judicial office to garner favor with a police officer on the scene of a traffic accident. [Judge Brown tried to use the prestige of his office to gain a personal advantage after he was involved in an automobile accident with another driver. He instructed the officer on the scene to issue a ticket to the other driver and to search her name on the LIEN system]. The Court adopted the JTC's recommendation of a fifteen-day suspension. The Court recognized that the conduct at issue did not occur on the bench and also that it happened spontaneously; these same mitigating factors are present in this case. Significantly, the Commission determined that but for the judge's previous misconduct, public censure would have been the proper sanction. Still, even considering *four* previous acts of misconduct, the Commission imposed a suspension of only fifteen days. *In re Brown*, 464 Mich 135 (2001).

For purposes of comparing sanctions imposed for similar conduct, *In re O'Brien*, 441 Mich 1204 (1992) is instructive. Judge O'Brien had an altercation with a Northwest Airlines ticket agent when he and his wife were denied boarding for a flight to Seattle. Judge O'Brien and his wife had obtained boarding passes and seat assignments, but they were not present at the gate within the time period required for boarding the plane. The agent told Judge O'Brien that he and his wife would be seated on the next flight to Seattle. Judge O'Brien "then became verbally abusive and insulting" to the agent and jerked her head backward by "grasp[ing] her

braided hair at the nape of the neck[.]” *Id.* For this conduct, Judge O’Brien received a public censure. He did not receive a suspension.

Like the conduct alleged against Judge Bradfield, Judge O’Brien’s altercation with the airline employee was an isolated incident that occurred off the bench. Significantly, the conduct at issue in *O’Brien*, in which unprovoked verbal abuse escalated to grabbing the complainant’s hair and jerking her head back, was clearly more egregious than the conduct alleged here. Considering that Judge O’Brien’s rough, physical behavior with the airline agent warranted only a public censure, certainly Judge Bradfield’s exchange of expletives with Mr. Adams may not merit any suspension. Thus, an interim suspension would be grossly unjust.

In contrast to Judge Bradfield’s the off-the-bench altercation regarding a parking dispute, *In re Templin*, 432 Mich 1220 (1989) concerned a judge’s romantic relationship with a defendant in a criminal case over which the judge presided. In that case, Judge Templin received only a public censure. As our Supreme Court would later recognize in *Brown*, conduct that occurs on the bench is more serious than conduct off the bench. The Supreme Court adopted the commission’s recommendation for public censure in *Templin*.

*In re Trudel*, 465 Mich 1313 (2002) involved “a verbal confrontation” with a theatre manager. Judge Trudel identified himself as a judge and was uncooperative and argumentative when he was asked to leave the theater. This conduct is akin to the conduct alleged here, inasmuch as it was a verbal altercation that did not occur while the judge was presiding on the bench. However, the complaint against Judge Trudel also alleged several other instances of misconduct, including conduct that was directly related to his official position. In addition to the altercation with the theater manager, the Commission found that Judge Trudel had engaged in sexually offensive conduct toward subordinates, misused court facilities and property for

personal use, and drove a newly purchased car for two weeks without displaying temporary license tags. The Supreme Court approved the Commission's recommendation for a public censure and a 90-day suspension.

Imposition of an interim suspension against Judge Bradfield would result in a harsher penalty than that which would be justified under the *Brown* criteria or that has been imposed in cases of far more egregious conduct. Moreover, even if a suspension were ultimately deemed appropriate in this case, the suspension surely could not be as long as an interim suspension to the conclusion of these proceedings. The court rules governing disciplinary proceedings are generous in their allotments of time. By even a conservative projection of the duration of these proceedings, an interim suspension would likely last at least eight months. Such a sanction cannot be justified on the conduct involved here.

The previous complaints involving Judge Bradfield certainly do not justify an interim suspension<sup>2</sup>. Judge Bradfield's conduct was isolated and Judge Bradfield has complied completely with the sanctions imposed in the two prior matters.

### CONCLUSION

Michigan Supreme Court precedents illustrate that imposing an interim suspension on Judge Bradfield would be unduly harsh and unsupported by case authority. Judge Bradfield regrets that the conversation between himself and Mr. Adams devolved into an exchange of insults and expletives, but his conduct does not warrant an interim suspension. The practical effect of an interim suspension would be to punish Judge Bradfield by means typically reserved for far more egregious conduct, and to require Judge Bradfield to endure a suspension until the

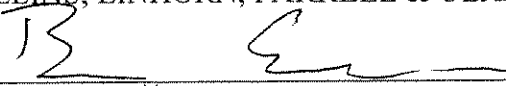
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<sup>2</sup> The Petition (¶ 7(b)) includes an allegation that in Complaint #66, Judge Bradfield was charged with improperly setting bond, inappropriately conducting landlord/tenant matter and/or lacking candor when dealing with the Commission. The Commission dismissed those charges. It is unconscionable for the Commission to seek relief for conduct they never pursued or proved.

conclusion of these proceedings would punish him far more harshly, and for a longer time, than any sanction that his conduct would merit.

COLLINS, EINHORN, FARRELL & ULANOFF, P.C.

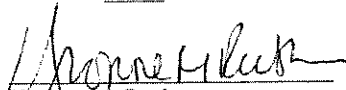
BY:

  
BRIAN EINHORN (P13130)  
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4000 Town Center, Suite 909  
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(248) 355-4141

**Proof of Service**

The undersigned certifies that the foregoing instrument was served upon the Supreme Court and the JTC herein at their respective addresses on June 21, 2005, by:

☐ US Mail  
☒ Hand Delivery  
☐ Fax

  
Dyanne M. Rush  
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STATE OF MICHIGAN  
BEFORE THE SUPREME COURT

IN THE MATTER OF:

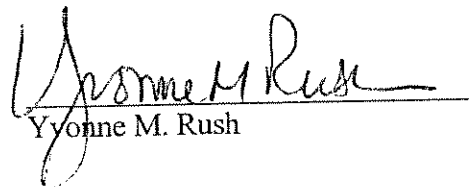
HON. DAVID MARTIN BRADFIELD  
Judge, 36<sup>th</sup> District Court  
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FORMAL COMPLAINT NO. 79

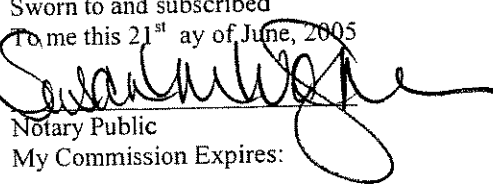
PROOF OF SERVICE

STATE OF MICHIGAN     )  
  ) SS.  
COUNTY OF OAKLAND    )

Yvonne M. Rush, being first duly sworn, states that on June 21, 2005, she had *Reliable Delivery Service* serve a copy of **Judge David Martin Bradfield's Response to Petition for Interim Suspension** upon The Supreme Court in Lansing, Michigan in the above-captioned matter via hand delivery by *Reliable Delivery Service*.

  
Yvonne M. Rush

Sworn to and subscribed  
To me this 21<sup>st</sup> day of June, 2005

  
Notary Public  
My Commission Expires:

SUSAN M. VAGUEN  
Notary Public, Oakland County, MI  
My Commission Expires Mar. 01, 2006



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ABE A. SCHMIER  
(1903-1988)

May 25, 2005

Judicial Tenure Commission  
Attn: Paul Fischer  
3034 W. Grand Blvd. #8-450  
Detroit, MI 48202

RE: JTC v. Bradfield  
Request for Investigation No.: 05-15692  
Our File No.: 058378

Dear Mr. Fischer:

This letter is sent in response to the Commission's April 22, 2005 letter directed to Judge David Martin Bradfield.

At the outset, please know that Judge Bradfield is embarrassed that he allowed what should have been a reasonable request directed to Mr. Adams to escalate into a swearing contest. Mr. Adams arguably provoked and certainly contributed to the escalation of the incident, but Judge Bradfield knows that he is obligated to travel "the higher road". He also acknowledges that he did not travel that higher road. It is for that reason that he apologized to Mr. Adams and to Judge Deborah Ross Adams and also apologizes to this Commission. (See attached Exhibits A and B).

I am certain that the Commission is aware that Judges today have become much more concerned about their own personal safety and the safety of their families. The sad event that lead to the death of the mother and husband of Federal District Judge, Joan Humphrey-Lefkow and the courtroom shooting that left Atlanta Superior Court Judge Rolland Barnes dead 11 days later heightened concern that courtrooms be made as secure as possible.

Indeed two or three weeks before the April 6<sup>th</sup> incident, 36<sup>th</sup> District Court Judge Patricia L. Jefferson circulated an email to her colleagues (attached Exhibit C) urging a need to obtain better security at the Judge's door. Also, Judge David Robinson highlighted the fact that the court should stop the practice of allowing people who accompany judges into the building being able to avoid security screening.

On March 17, 2005, Chief Judge Marilyn Atkins distributed an email (Exhibit D) which in part told the judges:

If you are going to have a visitor to the court coming through the judge's door, you must go down and bring them up yourself. Do not send a member of your staff. If you do not come down, the person or persons will be directed to the front door to go through the security check.

When Judge Bradfield pulled up in front of the courthouse, he observed that Mr. Adams was parked and sitting in a car in one of the spaces reserved for court personnel. Judge Bradfield pulled up next to Mr. Adams, rolled down his window and advised Mr. Adams that he was not supposed to be parked where he was parked, and that the space was reserved for court personnel. Mr. Adams remarked "take a pill". At that point, Judge Bradfield told Mr. Adams he could be ticketed and towed and introduced himself as Judge Bradfield. Mr. Adams remarked "we know who you are mother f-----". Judge Bradfield then said to Mr. Adams "I can get a street as you, move the mother f---ing car". Judge Bradfield then waived to the Detroit police officer responsible for guarding the door. The officer approached Mr. Adams' vehicle, spoke with Mr. Adams at which point Mr. Adams moved his vehicle approximately three feet forward. At that point another space opened up and Mr. Adams moved his vehicle further forward allowing Judge Bradfield to park his vehicle. As Judge Bradfield was parking his vehicle, he observed Mr. Adams get out of his car and move to the security door of the courthouse. Judge Bradfield did not know Mr. Adams, did not know the reason Mr. Adams may have been parked in front of the judge's entrance to the courthouse and did not know the reason Mr. Adams was going toward the security door. Judge Bradfield was also concerned by the derogatory statements directed to him by Mr. Adams.

In response to the specific inquiry set forth in your April 22, 2005 letter, please be advised as follows:

1. On April 6, 2005, in the late morning or very early afternoon, you briefly left the 36<sup>th</sup> District courthouse in your automobile. **True**
2. Upon returning to the courthouse, you parked near the judges' door on Madison Avenue. **Judge Bradfield was not able to park his vehicle because Mr. Adams was in the only available space on either side of Madison. It was not until after Adams moved his vehicle, apparently at the request of a Detroit police officer, that Judge Bradfield was able to park his car.**
3. Another car was also parked on that street by the judges' door. **Vehicles were parked in every available space on both sides of Madison.**
4. You approached the driver of that vehicle, City of Detroit Deputy Mayor Anthony Adams, who was parked there while awaiting his wife, 36<sup>th</sup> District Court Judge Deborah Ross Adams. **As set forth above, Judge Bradfield pulled his car next to Mr. Adams' vehicle and asked Mr. Adams to move his vehicle. Judge**


**Bradfield did not know Mr. Adams and did not know that Mr. Adams was outside the courtroom waiting for his wife, Judge Deborah Ross Adams. Mr. Adams never identified himself or provided Judge Bradfield with a reason he was waiting outside the courthouse or a reason he was attempting to enter the courthouse through the security door.**

5. Deputy Mayor Adams was parked outside of the courthouse with the permission of Police Officer Sheila Gray, who was enforcing the restrictions for parking outside of the courthouse. **Officer Gray, upon information and belief, had the responsibility of providing security to the building and may also had some responsibility as it relates to making sure that the area outside the courthouse remained open for parking by appropriate court personnel. Judge Bradfield does not know whether or not Mr. Adams was sitting in his car with the permission of Officer Gray<sup>1</sup>.**
6. You pulled your vehicle next to that of Deputy Mayor Adams, and yelled at him through your window that he was not permitted to park where he was located. **Judge Bradfield did pull up next to Mr. Adams' vehicle and did ask Mr. Adams to move his vehicle. He did not shout or yell. Judge Bradfield told Mr. Adams that Mr. Adams was not permitted to park where he was parked; that the area was reserved for Judges.**
7. You shouted to Deputy Mayor Adams a comment to the effect of "Who the fuck are you?" and threatened to "have [his] ass ticketed and towed" for parking in front of the court. **The statement(s) did not occur as set forth. Regretfully, Judge Bradfield does acknowledge using improper language. As noted previously, Judge Bradfield, in response to Mr. Adams' statement: "we know who you are "mother f-----" also used the "MF" word. Although not an excuse, but Judge Bradfield was provoked by the comments made to him by Mr. Adams.**
8. You backed you car up, and motioned for Officer Gray to assist you. **Admitted.**
9. Officer Gray, upon observing the incident, approached Deputy Mayor Adams and asked him to move his car forward. **Judge Bradfield does not know what, if anything, Officer Gray observed. Officer Gray apparently did ask or direct Mr. Adams to move his vehicle. It was only after Officer Gray spoke with Mr. Adams that Mr. Adams moved his vehicle three feet forward.**

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<sup>1</sup> Officer Gray has been on vacation since at least some point before May 6, 2005. I, as counsel for Judge Bradfield have tried to speak with Officer Gray and was advised that she has been on vacation and was not returning from vacation until May 23, 2005. I have also been advised that she has an assignment outside the courthouse for the next three months. At this juncture, therefore, Judge Bradfield is not in a position to comment upon what, if any, conversation Mr. Adams may have had with Officer Gray prior to the time Judge Bradfield approached the courthouse. Mr. Adams has also refused my request that he talk to me regarding the incident.

10. Deputy Mayor Adams compiled by pulling directly behind the parked car in front of him. **Admit.**
11. You pulled your car forward so you were again stopped next to Deputy Mayor Adams, and again said that you were going to have his "ass ticketed and towed". **Deny.**
12. While you were backing your car away from Deputy Mayor Adams' vehicle and were parking it on the street, Deputy Mayor Adams pulled his car around the parked vehicle in front of him to allow for more space to park near the judges' entrance. **Mr. Adams did pull his vehicle forward so as to allow room for Judge Bradfield to park his vehicle.**
13. Deputy Mayor Adams then exited his vehicle, and met DiAnn Webb, his wife's judicial clerk, outside of the court. **Judge Bradfield did not know DiAnn Webb. He only knew that Mr. Adams was walking toward the security door and he also knew that no one was permitted to enter through the judge's door unless escorted by one of the 36<sup>th</sup> District Judges.**
14. Deputy Mayor Adams and Ms. Webb walked toward the judges' door of the courthouse. **See answer to 13, above.**
15. You exited your vehicle, rushed toward the pair in a threatening manner, and grabbed Deputy Mayor Adams' shoulder while he was entering the doorway. **Judge Bradfield, after exiting his car and after observing Mr. Adams walking toward the entrance of the courthouse, did walk up to the court at a fast pace. He did not "rush up". He did not "grab" Mr. Adams' shoulder.**
16. At the time, you were angrily shouting that he was not authorized to use that door as it was reserved for judges. **Judge Bradfield does acknowledge that he was angry. Judge Bradfield did raise his voice and he did tell Mr. Adams that he should not be entering the courthouse in an area reserved for judges. Judge Bradfield did and does have a concern regarding the security offered to judges.**
17. You called Deputy Mayor Adams a "mother fucker" and said that you were "street" and from "the hood", and were going to "kick [his] ass". **This statement did not occur as set forth. Unfortunately, Judge Bradfield did use words responding in kind to Mr. Adams' statements indicating that he, Adams, was using "street" language, Bradfield stated that he could be as street "as you are mf".**
18. You repeatedly poked your finger into Deputy Mayor Adams' chest while you were shouting at him. **Judge Bradfield did poke his finger at Mr. Adams and may inadvertently have touched him.**

19. During the incident, you also yelled at Ms. Webb that she could not bring Deputy Mayor Adams in through the judge's entrance, as he was not a judge. **Judge Bradfield did tell Ms. Webb that she should not be bringing a person in through the judge's entrance.**
20. Officer Gray moved between you and Deputy Mayor Adams to restrain you by preventing you from approaching or having further contact with Deputy Mayor Adams. **The reason Officer Gray moved between Judge Bradfield and Mr. Adams is not known.**
21. You entered the courthouse using the judges' entrance. **Admit.**
22. Deputy Mayor Adams and Ms. Webb went to the front of the courthouse to enter through the employees' entrance. **Admit.**
23. Several minutes later, you returned by elevator to the judges' entrance. **Judge Bradfield had never left the area. He did not need to "return".**
24. When you arrived at the entrance, you encountered Deputy Mayor Adams, Ms. Webb, Officer Gray, and Judge Adams. **As noted in 23, above, Judge Bradfield had never left the area, he was already at the entrance when Judge and Mr. Adams and Ms. Webb then appeared from the elevator.**
25. Judge Adams had accompanied her husband and Ms. Webb to the entrance to discuss the incident with Officer Gray. **The reason Judge Adams may have accompanied her husband and/or Ms. Webb to the entrance is not known<sup>2</sup>.**
26. When Judge Adams asked why you had confronted her husband, you began shouting at her, and waving your finger in her face. **Judge Adams loudly confronted Judge Bradfield and basically accused him of "interfering" in her relationship with her husband. Judge Adams also said that Mr. Adams "doesn't need to tell you who he is". Judge Adams' manner and tone further provoked Judge Bradfield to act in kind.**
27. Your finger struck her a number of times in the face during the encounter. **Denied.**
28. You also shouted several times that Deputy Mayor Adams was a "mother fucker". **Judge Bradfield does not recall whether or not he continued to use the "mf" word.** 
29. You continued to wave your finger in Judge Adams' face, in spite of several requests by her, and one request by Deputy Mayor Adams, for you to stop. **Mr. Adams said something to the effect that he (Judge Bradfield) should take a**

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<sup>2</sup> Counsel has attempted to speak with Judge Adams and Ms. Webb, and both have refused.

**pill and/or that he, (Mr. Adams) should have hit him. To the extent question 29 states otherwise, it is denied.**

30. You shouted at Judge Adams that you would take Deputy Mayor Adams "to the street", as he was from the street and you were from the street. **In the form alleged, denied. Judge Bradfield did continue to state that "I can be as street as you are". He was not, nor did he try to suggest to Judge Adams that they should engage in a fight.**
31. Your reference to go "to the street" was another invitation to engage in fisticuffs with Deputy Mayor Adams. **Denied.**
32. You then returned to the elevator and left the area. **Judge Bradfield did not "return to elevator", he simply got into the elevator and went up to his courtroom. To the extent paragraph 32 states otherwise, it is denied.**
33. Deputy Mayor Adams never raised his voice, used off-color language, or threatened you with violence. **Mr. Adams did not raise his voice and did not use off-color language at the entrance to the courthouse. Mr. Adams never threatened violence, though he did suggest that he should have "hit him" i.e., Judge Bradfield. Mr. Adams did use expletives when he was parked in his vehicle when first encountering Judge Bradfield.**
34. No other individual involved in the incident raised his voice, used off-color language, or threatened you with violence. **Not true. Judge Adams raised her voice and was confrontational.**
35. Judge Adams then contacted Chief Judge Marilyn Atkins and advised her of the confrontation. **It is not known whether Judge Adams contacted Judge Atkins, but Judge Atkins did ask Judge Bradfield, Judge Adams and Mr. Adams to attend a meeting in her office.**
36. Chief Judge Atkins summoned you to her office for a meeting with Judge Adams, where you eventually were joined by Ms. Webb, Officer Gray, and Deputy Mayor Adams. **Admit.**
37. During that meeting, you continued to act in a belligerent and angry manner, and continued to refer to Deputy Mayor Adams as a "mother fucker". **Deny. Judge Bradfield, and Judge Adams were speaking loudly, but none of the parties used expletives during the meeting. The meeting ended on a cordial note with Judge Bradfield and Mr. Adams shaking hands.**
38. You also asserted during that meeting that Deputy Mayor Adams "looked like a well-dress thug" during the incident, which is why you confronted him. **In the form and manner alleged, not true. Judge Atkins asked Judge Bradfield who**



he thought Mr. Adams might be and in response, Judge Bradfield said he did not know, but he could be a "well-dressed thug".

39. You further stated that you thought Deputy Mayor Adams was "one of those arrogant attorneys who thinks he can park out there", referring to the spaces generally reserved for judges. **It is possible that the statement was made, but it was made in response to a question asked of him by Judge Atkins. Judge Bradfield thought that Mr. Adams did not belong in the parking space and he should not have been going into the courthouse through the security door. All Mr. Adams needed to do was tell Judge Bradfield who he was and why he was parked and the incident would never have occurred.**
40. You misrepresented to Judge Atkins what had occurred near the judge's entrance, as you stated that Deputy Mayor Adams had sworn at you and acted belligerent toward you, while he had not engaged in that conduct. **Mr. Adams did swear at Judge Bradfield and did act belligerent, at least by his speech. Judge Bradfield told Judge Atkins that Mr. Adams swore at him.**
41. You have no authority to determine who parks in the spaces reserved for judges outside of the court, who may use the judge's entrance to gain access to the court, or enforce any restrictions regarding those matters. **Admit. It is the job of the Detroit Police Department and others providing security to the courthouse to secure the area, but there was some confusion at the time the incident happened. The guard company had changed and there was a question as to who i.e., the police officer or the guard company was responsible for security.**
42. The 36<sup>th</sup> District Court leased 15 spaces on the first floor of the Gem Theater parking structure for judges' parking effective Monday, October 7, 2002. **Judge Bradfield has no information to answer the statement.**
43. On the preceding Wednesday, October 2, 2002, you entered that garage in your vehicle. **Denied.**
44. Upon seeing that there were no spaces available on the first floor you approached the parking attendant, and identified yourself as Judge Bradfield from the 36<sup>th</sup> District Court. **Denied.**
45. You demanded that you be permitted to park in the spaces reserved for judges on the first floor. **Denied.**
46. When the attendant responded that the parking agreement took effect the following Monday, you became angry and belligerent, and began swearing at him. **Denied.**

47. The attendant produced a letter reflecting the agreement, and that it was to take effect on October 7. **Denied.**
48. To accommodate you, the attendant offered to allow you to park for the day in a space on the first floor reserved for the garage staff. **Denied.**
49. You continued to shout at the attendant, you grabbed the letter, threw it on the ground and sped your vehicle toward the exit of the garage. **Denied.**

**In further answer to statements set forth in 43 to 49, if the incident occurred, it did not involve Judge Bradfield. Counsel for Judge Bradfield has had a telephone conversation with court administrator David Otis. Mr. Otis related that a parking attendant told him that an individual claiming to be a judge and driving a Corvette exited the parking structure quickly after being denied the opportunity to park in a space. Assuming the incident happened, and assuming in fact, the person driving the car was a judge, that judge was not Judge Bradfield.**

- a. Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 and MCR 9.205; **Denied. Judge Bradfield acted inappropriately, but did it not occur by reason of his "Office".**
- b. Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30, and MCR 9.205; **Denied. Judge Bradfield's conduct was uncalled for but was not prejudicial to the administration of justice.**
- c. Failure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Code of Judicial Conduct, Canon 1; **Admit.**
- d. Failure to be aware that the judicial system is for the benefit of the litigant and public, and not the judiciary, contrary to the Code of Judicial Conduct, Canon 1; **Judge Bradfield is aware that the judicial system is for the benefit of the litigants and the public. Nothing about the incident reflected a failure to be aware of his position vis a vis' litigants and the public.**
- e. Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A; **Admit.**
- f. Conduct involving impropriety and the appearance of impropriety, in violation of the Code of Judicial Conduct, Canon 2A; **The fact that the**

**incident was reported by the news media and the attention it brought about likely did create the appearance of impropriety.**

- g. Failure to respect and observe the law and to conduct yourself at all times in a manner which would enhance the public's confidence in the integrity and impartiality of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B; **Deny. There is nothing about Judge Bradfield's actions or remarks that reflected a failure to respect or observe the law.**
- h. Failure to be patient, dignified, and courteous (to-sic) those with whom you deal in an official capacity, contrary to the Code of Judicial Conduct, Canon 3A(3); **Denied. Judge Bradfield was not patient, and probably was not dignified or courteous but his actions did not occur while presiding from the bench and therefore Judge Bradfield's conduct did not expose a legal profession to contempt or censure, although it did expose Judge Bradfield's "humanity".**
- i. Conduct which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(A)(2); **Denied. There was nothing about Judge Bradfield's conduct that was contrary to ethics, honesty or good morals.**
- j. Conduct which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(A)(3); and **Denied.**
- k. Conduct which is in violation of the criminal laws of the state of Michigan, in violation of MCR 9.104(A)(5). **Denied.**

It should appear clear from review of this letter, that Judge Bradfield acknowledges that his conduct was not appropriate. He acknowledges that the confrontation he had with Mr. Adams was unfortunate and should not have occurred and that he was in part responsible. He acknowledges therefore that he is subject to an appropriate sanction and invites the Commission to engage in a discussion that will bring a suitable sanction in light, of his conduct.

Very truly yours,

COLLINS, EINHORN,  
FARRELL & ULANOFF, P.C.

  
Brian Einhorn

BDE:ymr

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36th District Court

421 Madison Avenue

Suite 4072

Detroit, Michigan 48226

DAVID MARTIN BRADFIELD  
JUDGE

AREA CODE: 313  
TELEPHONE: 965-8737  
FAX 965-3951

April 7, 2005

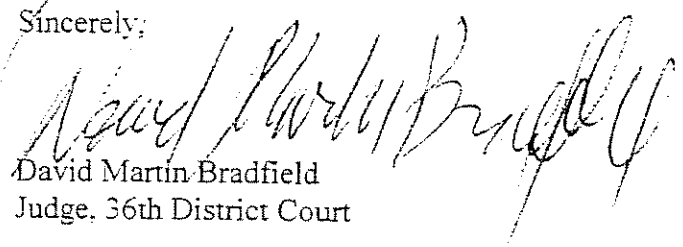
Mr. Anthony Adams  
Deputy Mayor  
City of Detroit  
Coleman A. Young Municipal Center  
Two Woodward Ave  
Detroit, MI 48226

Dear Deputy Mayor Adams,

I wish to express my sincere apology for my behavior yesterday towards you. As you and your wife pointed out, my actions were an embarrassment to my self and to the office that I hold. I do recognize what Judge Atkins pointed out to me at our meeting yesterday; that as judge, we are held to a higher standard.

I do wish to make amends for the interruption of the lunch that you and your wife had planed. Please accept my offer to be my guest for a lunch for you and your wife at a restaurant of your choice. Please contact me to make reimbursement.

Sincerely;



David Martin Bradfield  
Judge, 36th District Court





DAVID MARTIN BRADFIELD  
JUDGE

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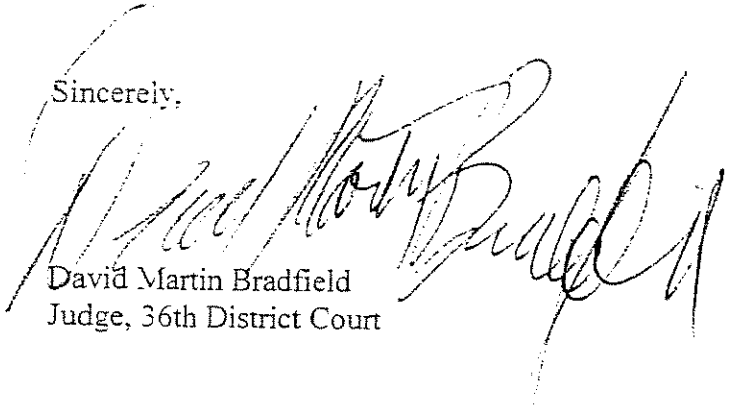
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36th District Court  
421 Madison Avenue  
Detroit, MI 48226

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Judge, 36th District Court





## **Bradfield, David Martin**

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**From:** Jefferson, Patricia L.  
**Sent:** Monday, March 14, 2005 9:08 AM  
**To:** Robinson, David; Atkins, Marilyn E.; Adams, Deborah Ross, Judge; Adams, Lydia Nance; Anderson, Charles W., III; Archer, Trudy DunCombe; Baltimore, Joseph N.; Barthwell, Sidney; Blount, Nancy M.; Bradfield, David Martin; Bradley, Vanesa Jones; Bright, Izetta; Coleman, Donald; Costello, Robert K.; Farmer, Nancy A.; Ford, Bledsoe Geraldine; Garrett, Ruth Ann; Gray, Jimmylee; Hansen, Katherine; Hayes-Sipes, Beverly; Humphries, Paula G.; Langston, Deborah Lewis; Lipscomb, Willie G. Jr.; Lloyd, Leonia J.; Lockhart, Steve; Martin-Clark, Miriam B.; McDuffee, Renee; Milhouse, Donna; Millender, B. Pennie; O'Banner-Owens, Jeanette; Randon, Mark; Robbins, Kevin; Royster, C. Lorene; Serra, Rudy; Shannon, Thomas J.; Wallace, Ted  
**Cc:** Davis, J. Otis  
**Subject:** RE: JUDICIAL PHYSICAL SECURITY

On the same note. We need better security at the judges door. I came in at 8:50 today only to find no one at the door. The door was open for anyone to enter. Fortunately, the elevator key was not in the door. But anyone could have come in and walked up the stairs from off the street with any kind of weapon. This would have never happened under Officer Coleman's watch and I understand she is not DPD but why do I feel less secure. I think the officers at the door should not just sit and look outside but should see to it that judges get to the door and our cars safely. A bad situation is just waiting to happen.

Pat Jefferson

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Through our professional organizations, we should also press for some changes in the legislative environment. We should be able to have the home addresses of sitting judges suppressed by the Registrar of Deeds, the Secretary of State and the Bureau of Elections. (How many of us knew that I can find your home address by simply typing your name into Lexis?) The Affidavit of Incumbent seeking re-election

should be revised to eliminate the need for the incumbent to list his/her home address - a simple statement that the incumbent judge still resides in the judicial district to which re-election is being sought should be sufficient.

Since the Mayor is coming to our Bench meeting on March 23, I would like to put two items on the agenda to raise with him. First of all, immediate City funding for the Kevlar linings for our building. Second, each police precinct should have the home addresses of any judges in the precinct on the precinct's watch list.

Thanx.  
DSR



**Bradfield, David Martin**

---

**From:** Atkins, Marylin E.

**Sent:** Thursday, March 17, 2005 9:29 AM

**To:** Anderson, Charles W., III; Barthwell, Sidney; Baylor, Margaret E.; Costello, Robert K.; Lockhart, Steve; McDuffee, Renee; Shannon, Thomas J.; Adams, Deborah Ross, Judge; Adams, Lydia Nance; Archer, Trudy DunCombe; Atkins, Marylin E.; Baltimore, Joseph N.; Blount, Nancy M.; Bradfield, David Martin; Bradley, Vanesa Jones; Bright, Izetta; Coleman, Donald; Doss, Theresa; Farmer, Nancy A.; Ford, Bledsoe Geraldine; Garrett, Ruth Ann; Gray, Jimmylee; Hansen, Katherine; Hayes-Sipes, Beverly; Humphries, Paula G.; Jefferson, Patricia L.; Langston, Deborah Lewis; Lipscomb, Willie G. Jr.; Lloyd, Leonia J.; Martin-Clark, Miriam B.; Milhouse, Donna; Millender, B. Pennie; O'Banner-Owens, Jeanette; Randon, Mark; Robbins, Kevin; Robinson, David; Royster, C. Lorene; Serra, Rudy; Wallace, Ted

**Cc:** Lipscomb, Willie G. Jr.; Davis, J. Otis

**Subject:** Court Security Meeting

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